
STATUTORY INSTRUMENTS

2008 No. 1315

The Mental Capacity (Deprivation of Liberty: Appointment of Relevant Person's Representative) Regulations 2008

PART 2

Appointment of representatives

Formalities of appointing a representative

- 12.**—(1) The offer of an appointment to a representative must be made in writing and state—
- (a) the duties of a representative to —
 - (i) maintain contact with the relevant person,
 - (ii) represent the relevant person in matters relating to, or connected with, the deprivation of liberty, and
 - (iii) support the relevant person in matters relating to, or connected with, the deprivation of liberty; and
 - (b) the length of the period of the appointment.
- (2) The representative must inform the supervisory body in writing that they are willing to accept the appointment and that they have understood the duties set out in sub-paragraph (1)(a).
- (3) The appointment must be made for the period of the standard authorisation.
- (4) The supervisory body must send copies of the written appointment to—
- (a) the appointed person;
 - (b) the relevant person;
 - (c) the relevant person's managing authority;
 - (d) any donee or deputy of the relevant person;
 - (e) any independent mental capacity advocate⁽¹⁾ appointed in accordance with sections 37 to 39D of the Act⁽²⁾, involved in the relevant person's case; and
 - (f) every interested person named by the best interests assessor in their report as somebody the assessor has consulted in carrying out the assessment.

(1) "independent mental capacity advocate" is defined in section 64(1) of the Act.

(2) Sections 39B to 39D were inserted by section 50 of and Schedule 9 to the Mental Health Act 2007.